

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, MARCH 22, 2022, AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Community and Economic Development Senior Planner Andrew Hulka, Finance and Administrative Services Director Scott Jorges, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim

**1. Welcome – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 4:03 p.m. and welcomed those present.

**2. UTOPIA FIBER – Ms. Kimerly McKinley, Chief Marketing Officer.**

UTOPIA Fiber Executive Director and CEO, Roger Timmerman, excused Chief Marketing Officer, Kimberly McKinley, and provided a presentation regarding UTOPIA Fiber and the potential partnering with the City of Cottonwood Heights. He stated that UTOPIA Fiber is a consortium of cities and by Utah Code definitions, a local entity. The cities they service were displayed. The network spans the Wasatch Front with 19 fiber to the home projects and offers service to over 50 cities. He reported that since 2009, UTOPIA Fiber has bonded for \$400 million in projects that pay for themselves through voluntary subscription revenues at no cost to the City. They are pro-private sector and pro-competition and what they do enables private companies to come to the City and offer services while competing with each other. He stated that all Utah-based providers want to offer services within the City but are not allowed to do so until fiber is first provided.

Mr. Timmerman commented that UTOPIA Fiber provides the initial fiber installation and is not the service provider. Open access along with other infrastructure is provided by UTOPIA and may be utilized by the public. He explained that there is no legal way to obligate fiber providers to cover the entire City, nor can they be obligated to a specific timeline. Once the fiber provider comes into the City, it results in a monopoly as two systems cannot be micro trenched in the same city. This results in an anti-competitive method of construction of fiber. He identified issues with private fiber providers generally include net neutrality violations and consumer privacy, both of which are not allowed on their public infrastructure. UTOPIA Fiber guarantees coverage enables competitor options and is lightly regulated with approximately 45,000 subscribers.

Mr. Timmerman explained that UTOPIA Fiber's implementation is considered to be utility, city-grade infrastructure, and is the best quality with minimal impact on roads while being located within the public utility easement. Cons include a slightly more expensive product with a potential

for slower speeds due to horizontal directional drilling with some aerial attachments. He noted that they sell and lease fiber to competitors while nearly every wireless within the State of Utah uses its product.

UTOPIA Fiber network places a dedicated fiber strand from every home that is then directed back to their fiber huts while providing 10 GB of speed and operating on a standardized price structure. Speeds were discussed. Mr. Timmerman confirmed that the contracts include usage language but there is no term limit included and contracts run month to month. Charges start at \$30 per month with the consumer being allowed to select their provider. A rendering detailing pricing and speed packages was displayed.

Mayor Weichers stated that for the purpose of transparency, the City has invited Google Fiber, Century Link, among others to provide their service process prior to making any final determination.

Council Member Peterson requested clarification regarding UTOPIA Fiber's infrastructure. Mr. Timmerman presented a plan with mapping details of Cottonwood Heights and stated there are six footprints each returning to a fiber hut. The huts measure 10' x 12' with each being outfitted with air conditioning and a generator significantly smaller than what is currently used by competitors. The huts are considered critical infrastructures and all facilities function with battery backup and generators that enable them to run indefinitely without power. He stated that the fiber does not slow and includes unlimited data caps. With respect to redundancy in the system, a ring between all of the huts ensures that service remains up and running. He confirmed that the last mile between the fiber hut and a home is not redundant with a maximum outage of approximately 1,500 locations or 500 customers.

Council Member Birrell asked for clarification regarding the current providers in the City and the progression in years to come. Mr. Timmerman stated that Comcast is presently the dominant provider. Their service is only increasing due to the high levels of speed and service offered. He reported that UTOPIA Fiber is the top deployer of smart city applications, which include air quality sensors and wildfire detection systems with live monitoring thermal cameras. When the project for Cottonwood Heights was designed, the cost was less than anticipated at \$2.79 million. This covers 14,200 locations including both businesses and commercial. When financed, it equates to \$142,000 per month. He confirmed that it will require 4,743 people to sign up to cover that cost. A financing model was presented. Mr. Timmerman confirmed that it will take two years to build out in the City.

Mayor Weichers expressed concern with the proposed 27-year term. With the rapid pace of changing technology, he questioned their position in 15 years when new technology becomes available. Mr. Timmerman stated that fiber cable is a reliable investment and they have been building these networks since 2002. During that time, consumer and business demand for broadband has exceeded any other type of service and remains consistent. It was confirmed that fiber has been the backbone of all other offered products.

Council Member Petersen expressed concern about being locked into a 27-year contract. Mr. Timmerman stated that the contract is softer than a bond but remains a 27-year commitment.

Interest rates were discussed. An agreement would be signed to specify that the City would pledge an identified revenue the City will guarantee that it will pay for any shortfall. The identified revenue source was utilized to obtain an agreeable interest rate. Protections were reviewed.

Mr. Timmerman reported that UTOPIA's most recent customer service survey reported a 63% positive net promoter score and currently holds the top google rating score in the State of Utah. He believed there was no better use for the cost of the fiber and considered it to be worth the \$27 million subsidy as it will reduce the average cost of services within the City, regardless of whether a resident signs up. The City will benefit from property values increasing by 3.1% while protecting net neutrality and improving quality of life. He stated that no other municipal project can so quickly and dramatically bring those benefits to the residents and businesses as an investment in fiber infrastructure. It is their intention to pay off debt early, lower the cost of services, and reinvest back into cities for smart city applications. Revenue targets were discussed.

### **3. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.**

Mayor Weichers reviewed the Business Meeting Agenda.

With regard to agenda item 4.2, Finance and Administrative Services Director, Scott Juges, reported that the first surplus item is a 2010 Chevrolet pickup truck used in the Public Works Department. The other item included a grouping of 145 different items utilized in the IT Department.

Agenda item 4.3 involved entry into a Service Agreement with Air City Bounce for 2022 Butlerville Days. City Manager, Tim Tingey, reported that the agreement will include 11 rides/equipment elements alongside trained attendants to assist with the rides. The service was for a flat fee of \$6,700. Staff recommended approval of the agreement.

### **4. STAFF REPORTS.**

#### **a. Canyon Centre Traffic Study Contract (Addendum) – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the Canyon Centre Traffic Study Contract and stated that it is a proposed amendment with Horrocks Engineering for a City-initiated Comprehensive Traffic Analysis of the Canyon Center area. The analysis involves the review of existing documentation of both Master Plans, Environmental Impact Statement ("EIS") data, project-specific traffic studies that have been completed, and to conduct technical data collection. The data will be utilized for a full Traffic Impact Study and identification of traffic circulation in the area.

Council Member Birrell stated that residents are concerned with safety. She believed this item pertains to peak ski season and holidays. She suggested the study focus on peak hours and months with the heaviest traffic and highest impact days. She suggested that the impact from the proposed gravel pit area also be considered.

Public Works Director, Matt Shipp, recommended that proposed building types be taken into account along with utilizing the volume of traffic data associated with those sites. Consideration of the proposed developments would allow the City to conduct the survey without having to wait for completed construction. He emphasized the importance of being cognizant that high traffic days are very limited and there are 360 plus days remaining where everything flows and is functioning. Staff made the determination that as a City they would put their own efforts into this issue and focus on the gravel pit, parking, EIS, and the build out of the Canyon Center while considering the surrounding areas. He confirmed that concerns will continue to be shared and discussed.

Mayor Weichers preferred the contract be approved since the process is underway. He was in favor of the developer returning with an addendum to the project and including snow days for spring.

Council Member Bracken stated that if the design is focused solely on snow days, the remaining days of the year will have increased speeds and potential consequences.

**b. On-Street Permit Parking Code Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the On-Street Permit Parking Code discussion and stated that multiple petitions have been submitted. Concerns have been shared by the Council as well as the Police Department over the concept of allowing certain residents or individuals to park on public streets and not others from an equity perspective. He clarified that this is not the same ordinance that would allow the City to establish no parking anytime or only during specific hours. It is just the Permit Parking Ordinance and Resident Petition process as seen recently. City Code Section 11.220 was referenced.

Mr. Johnson reported that there was interest shared during the City Council Retreat regarding amending or repealing this item. He clarified that the purpose of the ordinance is to provide preferential treatment when competing with commuter vehicles for on-street parking in residential neighborhoods of the City. The City Council has the authority to initiate the creation and designation of a parking area with residents still being allowed to submit a petition. When a petition is filed and received, criteria is considered by Staff and a recommendation is made. He noted that the remainder of the ordinance pertains to the administration of existing areas. He proposed that the general language remain as-is. He requested that Council input regarding repealing the authority to create a permit parking area or if their preference was to see the petition process eliminated.

Mr. Tingey remarked that when these parking areas are created, it can oftentimes push parking further into other areas resulting in additional parking areas adjacent to those that were originally approved. Unintended consequences are often an issue.

Council Member Birrell encouraged the Council Members to consider the direction of the City and believed the permit parking is more of a band-aid effect. She encouraged the Council to think of ways to implement fewer cars on the roads and preferred a more vibrant city where people are

comfortable walking or taking shuttles. She supported repealing the ordinance or looking for other avenues that may include metering that could result in increased revenue and discouraging

Council Member Newell preferred the time period type parking and believed that if too many permit parking areas are allowed, other issues will follow.

Council Member Petersen stated that mitigation efforts have been made for the Ferguson Trailhead. He believed they are trying to fix a problem that is often followed by unintended consequences.

Council Member Bracken stated that residents have expressed concern with parking and believed the City has been creative in finding other solutions that have been more equitable. He asked if the process used to change these types of issues within a neighborhood could be implemented into the manual. It was the consensus of the Council to move forward with an approach to dealing with parking without allowing certain people to park in specific areas. A more blanket and fair approach was desired.

**5. REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. **Bunny Hop – The Search for the Easter Bunny on the City’s Website Starts April 11-15 after 9:00 a.m.**
- b. **Easter Egg Hunt is on Saturday, April 16 at Butler Park (7500 South 2700 East) Starting at 9:30 a.m.**
- c. **Cottonwood Heights Butlerville Days - July 28-30, 2022 (Volunteers and Sponsors needed. For more information, visit [butlervilledays.com](http://butlervilledays.com) or call Ann Eatchel at 801-550-8225.**

**6. CLOSED MEETING TO DISCUSS PROPERTY ACQUISITION.**

**MOTION:** Council Member Newell moved to close the Work Session and open a Closed Session for the purpose of property acquisition. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Session from 5:45 p.m. to 6:27 p.m.

**7. Adjourn City Council Work Session.**

The Work Session adjourned at 6:27 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MARCH 22, 2022, AT 6:30 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Community and Economic Development Senior Planner Andrew Hulka, Finance and Administrative Services Director Scott Jurgens, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim

**1.0 WELCOME – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 6:30 p.m. and welcomed those present.

**2.0 PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was led by Finance and Administrative Services Director, Scott Jurgens.

**3.0 CITIZEN COMMENTS**

*Ronald Coleman*, a Forest Creek Lane resident, requested that the City improve fencing that runs from Highland Drive to Bengal Boulevard and near the beginning of his subdivision. He stated that the fence has deteriorated and has not been addressed by the City.

*Farah Faruk*, a Regal Stream Cove resident, asked the City to address the deteriorating fencing issue to improve the aesthetics of the area.

*Robert Smith* referenced the fencing along Highland Drive. He believed that the mortar around the bricks is wearing out and some have either fallen or are missing. He implored the City to investigate and make repairs as it is along a major City artery.

City Manager, Tim Tingey, noted that Robert and Christine Smith's written comments were received by Staff via email and will be entered into the record.

*Robert Orton*, a Regal Stream Cove resident, concurred with the previous comment regarding the poor condition of fencing in the area. The landowners on the opposite side of the fence have substantially improved their property at great expense and he encouraged the City to do the same. He believed it was well advised to have the fencing improved and constructed in a more permanent manner. He urged the Council and Mayor to act on the request.

*David Burton* stated that he has worked in IT for 45 years and was employed by the Utah Department of Transportation (“UDOT”) as its IT Director for 30 years. When UDOT’s fiber network was implemented, UTOPIA Fiber was emerging. He believed UTOPIA has presented a solution without a problem as there are multiple service alternatives. He stated that the cities that contracted with UTOPIA experienced a significant tax increase. He expressed opposition to the City contracting with UTOPIA for services given the alternatives available and UTOPIA’s financial issues.

There were no further citizen comments.

#### **4.0     ACTION ITEMS**

##### **4.1     Consideration of Resolution 2022-17 Approving Entry into the First Amendment to a Consulting Agreement with Horrocks Engineers, Inc.**

Council Member Birrell was pleased that the above item was being considered and believed that the Traffic Study will ensure the steady flow of traffic around the Canyon Center in the southwest portion of Wasatch Boulevard and Fort Union Boulevard.

**MOTION:** Council Member Newell moved to APPROVE Resolution 2022-17. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

##### **4.2     Consideration of Resolution 2022-18 – Declaring Certain Property Surplus.**

**MOTION:** Council Member Birrell moved to APPROVE Resolution 2022-18. The motion was seconded by Council Member Newell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

##### **4.3     Consideration of Resolution 2022-19 Approving Entry into a Service Agreement with Air City Bounce for 2022 Butlerville Days.**

Mayor Weichers reported that the proposed services are being provided free of charge.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2022-19. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

## **5.0     CONSENT CALENDAR**

### **5.1     Approval of the City Council Retreat for January 25, 2022, the City Council Legislative Work Session Minutes of February 24 and March 3, 2022, and the Work Session, CDRA, and Business Meeting Minutes for March 1, 2022.**

**MOTION:** Council Member Birrell moved to APPROVE the January 25, 2022, City Council Retreat Minutes and City Council Legislative Work Session Minutes of February 24 and March 3, 2022, and the Work Session, CDRA, and Business Meeting Minutes of March 1, 2022. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

## **6.0     ADJOURN CITY COUNCIL BUSINESS MEETING**

**MOTION:** Council Member Newell moved to ADJOURN. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 6:52 p.m.



*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, March 22, 2022.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: April 5, 2022